

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN GERARDO DELGADO,

Defendant.

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Case No. 8:14CR155

ORDER

This case is before the court on the defendant Juan Gerardo Delgado's Motion for Limited Pretrial Release on Terms and Conditions (#34). The defendant moves the court for release to electronic monitoring and 24-hour house arrest at his home at 1510 Winona Lane, Council Bluffs, Iowa 51501. The motion is denied without hearing.

The defendant is currently charged in a three-count indictment with:

Count I: Conspiracy to distribute methamphetamine (actual), with a maximum penalty of ten years to life imprisonment, a \$10,000,000 fine, five years of supervised release, and a \$100 special assessment;

Count II: Distribution of methamphetamine (actual), with a maximum penalty of ten years to life imprisonment, a \$10,000,000 fine, five years of supervised release, and a \$100 special assessment;

Count III: Conspiracy to commit money laundering, with a maximum penalty of twenty years imprisonment, up to a \$500,000 fine or twice value of "property", three years of supervised release, and a \$100 special assessment.

A review of the defendant's May 28, 2014, Pretrial Services report (#8) reveals a felony receiving stolen property conviction in 1998, a flight to avoid arrest conviction in 1999, a failure to appear conviction 2003, and a pending charge of driving while under the influence in Sarpy County which, according to Pretrial Services has now gone to "violation status."

The defendant's proposed plan of release fails to address the court's concerns as set out in the May 28, 2014, Detention Order Pending Trial (#12), and also fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

I find the defendant to be both a flight risk and a danger and that no single condition of release nor any combination of conditions will mitigate my concerns as to flight and danger.

IT IS ORDERED: Defendant's Motion for Limited Pretrial Release on Terms and Conditions (#34) is denied without hearing.

Dated this 10th day of July 2014.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge